

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Zakariya Abdikarim,

Case No. 24-CV-2012 (KMM/ECW)

Plaintiff,

v.

**ORDER**

Barry Fitzgibbons, Sheriff; Tim  
Brennan, Chief of Police; and Michelle  
Marie Eldien, Ottertail County  
Attorney, sued in their official and  
individual capacities,

Defendants.

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The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright, dated November 5, 2024. No objections have been filed to that R&R in the time period permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of

the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise, and the R&R is accepted in full.

Therefore, **IT IS HEREBY ORDERED** that:

1. This matter is **DISMISSED WITHOUT PREJUDICE** as follows:
  - a. The claims against defendants Tim Brennan and Michelle Marie Eldien are regarded as **VOLUNTARILY DISMISSED WITHOUT PREJUDICE**.
  - b. The claims against defendant Barry Fitzgibbons are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(a).
2. Plaintiff Zakariya Abdikarim's motion to waive the initial partial filing fee [ECF 12] is **GRANTED**.
3. Mr. Abdikarim's motion to amend [ECF 9] is **DENIED**.
4. Mr. Abdikarim's applications to proceed *in forma pauperis* [ECF 2, ECF 10] are **DENIED AS MOOT**.
5. Mr. Abdikarim is directed to pay the unpaid balance (\$350.00) of the statutory filing fee for this action in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court is directed to provide notice of this requirement to the authorities at the institution where Mr. Abdikarim is confined.

Date: **December 18, 2024**

s/ Katherine M. Menendez  
Katherine M. Menendez  
United States District Judge